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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,540	03/26/2004	Kosuke Fujimoto	02975.000160	6127
5514	7590	11/07/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BUDD, MARK OSBORNE	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2834	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,540

Applicant(s)

FUJIMOTO ET AL.

Examiner

Mark Budd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 16-30, 36-44, 46 and 47 is/are allowed.
- 6) ☒ Claim(s) 1-6, 31(1-6), 32-35 and 45 is/are rejected.
- 7) ☒ Claim(s) 12-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-22-04&6-10-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Claim 1-6,31(1-6),32-35 and 45 rejected under 35 U.S.C. 102 b as being anticipated by Kataoka (977). Kataoka teaches a control apparatus for a vibration wave motor including piezoelectric elements used to produce two out of phase standing waves that are combined to produce a traveling wave. The amplitude of the traveling wave is measured (monitored) and the measured amount is compared to a desired amount (corresponding to a desired speed or torque) and adjustments are made to any of the frequency, amplitude or relative phase of the drive signals to modify the vibration amplitude in a known, predictable manner. At start up the amplitude of the traveling vibration wave is not at the desired level, and through the feedback circuit the amplitude of the vibration wave is slowly adjusted to the desired level. Thus at the beginning of operation the traveling wave has one amplitude and an arbitrary time later on it has a second, different amplitude. Thus, the driving unit which controls the driving signals does so in a manner such that the largest displacement (amplitude) of the traveling vibration fluctuates and a position where the largest displacement reaches the peak is changed (the wave travels). Please note especially col 3,line46-col5,line16 of the applied reference.

Claims 1-15,32-38 and a 45 are objected to as being unclear. The claims all include the phrase "changed in a direction of the relative movement of the vibration

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body in the contact body". Without further definition it is unclear what constitutes a direction of relative movement between two members. For example, assume two members are aligned to have relative movement in a north-South relative direction. What would be the (single) direction of relative movement? Clarification would be appreciated.

Claim 12-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7- 11 16-30, 36-44, 46 and 47 are allowed.

The following references are cited of interest to show drive circuits for vibration wave motors in which the speed (related to the vibration amplitude) of the motor is changed by various driving parameters such as frequency, amplitude and relative phase difference of the drive signals to control the amplitude of the vibration boys: Yamamoto Kitani, Kataoka (227), Senda and Kataoka (022).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Budd whose telephone number is 571-272-2019. The examiner can normally be reached on Monday through Thursday from 6 a.m. to 4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark Budd Primary Examiner Art
Unit 2834